

10/678,053

• RESP. DATED: 11/3/06 •

OA DATED: 5/9/06

REMARKS

This response is provided to the Office Action of May 9<sup>th</sup>, 2005. Filed herewith is a 3 month extension of time, extending the effective period to reply to November 9<sup>th</sup>, 2006. With the captioned reissue application claims 1-78 were presented for Examination. In the referenced Action, claims 1-55 were deemed allowable, while claims 56-78 were rejected.

Applicant appreciates the Examiner's indication of allowable subject matter in claims 1-55.

In view of the following remarks, favorable reconsideration of the pending application is respectfully requested.

Objection to claims 57 and 70-72

In paragraph 2 of the Office Action, claims 57 and 70-72 were objected to for lingering informalities. In response, Applicant has amended claim 57 and 70 as above, according to the Examiner's suggestion (thanks!). Accordingly, Applicant respectfully requests that the objection to such claims be withdrawn.

With respect to claims 71 and 72, however, Applicant doesn't fully appreciate the basis for the objection. Applicant notes that claim 70 refers to transmit signals TS<sub>p</sub>. Claims 71 and 72 are directed, generally, to the fact that the remote unit (i.e., not the unit that is transmitting signals TS<sub>p</sub>) performs the claimed functionality based, at least in part, on the received signals. Accordingly, Applicant believes that the current (unamended) recitation of the claims to be technically correct and accurate and requests that the objection thereto be withdrawn.

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**35 USC §103(a) Rejection of Claims 56-78**

In paragraphs 3 and 4 of the Action, claims 56-78 were rejected as being unpatentable over a reference by Kwon (USP 6,151,328) in view of a reference by Needhan, et al. (USP 5,764,699) pursuant to 35 USC §103(a). In response, Applicant respectfully traverses the rejection of such claims.

Turning to claim 70, the Action acknowledges that Kwon fails to disclose or suggest that the "indication is 'an indication of a selected mapping scheme from a plurality of possible mapping schemes' and 'the conversion and assignment are performed in accordance with the selected mapping'." The Action proceeds to suggest that Needham does in fact disclose the use of such an indication and, therefore, that the combination renders obvious the claimed invention. Applicant respectfully disagrees.

In particular, Applicant points to the cited passages of the Needham references and concludes that Needham merely teaches the feedback of channel quality information to a transmitter, which may utilize that information to adjust a modulation scheme applied to a transmit signal. That is, the remote unit is merely feedback channel quality information that the transmitter may then use in selecting a modulation rate.

In contradistinction, claim 70 provides that a remote unit actually selects a mapping scheme from a plurality of mapping scheme and provides an indication of the selected mapping scheme to the source of the transmitted signals. That is, the remote unit is not simply providing channel condition feedback from which subsequent parameter definitions are drawn, the remote unit is providing an indication to the transmitter as to which mapping scheme (transmission parameter) to use. Needham fails to disclose or suggest this feature.

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For at least this reason, Applicant respectfully submits that the combination of the Kwon and Needham reference fail to disclose or suggest that which is claimed in, e.g., rejected claim 70. Thus, Applicant respectfully requests that the rejection of such claim be withdrawn.

Applicant notes that claims 71 and 72 depend from patentable base claim 70. Accordingly, Applicant respectfully submits that claims 71 and 72 are likewise patentable over the Wallace reference by virtue of at least such dependency. Thus, Applicant respectfully requests that the §103(a) rejection of such claims be withdrawn.

With respect to claims 56, 64, 73 and 76 Applicant notes that these claims are directed to a communication device that selects a mapping scheme from a plurality of mapping schemes based, at least in part, on an estimate of channel conditions, wherein the selected mapping scheme denotes how content at a remote communications device is to be applied to one or more antenna(s) associated with the remote communications device, and wherein the wireless communication device is able to provide an indication of the selected mapping scheme to the remote communications device. As provided above, Applicant respectfully submits that neither the Kwon nor Needham reference disclose or suggest selection of a mapping scheme and then providing an indication of the selected mapping scheme to a remote communication unit.

For at least the foregoing reason, Applicant respectfully submits that the Kwon and Needham reference fail to disclose or suggest that which is claimed in rejected claims 56, 64, 73, and 76. Accordingly, Applicant respectfully requests that the rejection of such claims be withdrawn.

Applicant notes that claims 57-63, 65-69, 74, 75, 77 and 78 depend from patentable base claim 56, 64, 73 or 76, respectively, and are thus likewise patentable over the Kwon and Needham

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references by virtue of at least such dependency. Accordingly, Applicant respectfully requests that the §103(a) rejection of such claims be withdrawn.

#### CONCLUSION

In light of at least the foregoing remarks, Applicant respectfully submits that claims 1-78, are in condition for allowance and earnestly requests prompt notice thereof. *Applicant respectfully invites the Examiner to contact the undersigned representative for a telephone conference if it determined that such a conference could lead to allowance of one or more of the pending claims.*

Should it be determined that any additional fee is required, or overage returned, in association with this response, please debit or credit my deposit account number 50-0221 as appropriate.

Respectfully submitted,  
Robert Heath, Jr.

Dated: November 3, 2006

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